

# Niger

## EXECUTIVE SUMMARY

Niger is a multiparty republic. In 2011 voters elected opposition leader Issoufou Mahamadou president in a poll characterized by international observers as generally free and fair. Observers also considered the 2011 National Assembly elections free and fair. Civilian authorities maintained effective control over the security forces.

A major increase in Boko Haram attacks in the country significantly and adversely affected the human rights situation. Boko Haram recruited child soldiers and targeted civilians.

The most serious human rights problems included attacks by armed groups that resulted in death, harsh and life-threatening prison and detention center conditions, and trafficking in persons to include forced labor and caste-based slavery.

Other human rights problems included forcible dispersal of demonstrators and restrictions on freedoms of assembly and press. Attacks against politicians and political party facilities occurred. Arbitrary arrest and detention, prolonged pretrial detention, and executive interference in the judiciary continued. Official corruption was pervasive. Discrimination and violence against women and children remained a common occurrence. Female genital mutilation/cutting (FGM/C) and child labor continued.

The government took some steps to prosecute officials who committed abuses, but impunity was a problem.

Terrorist groups targeted and killed civilians and recruited child soldiers. The government charged child soldiers, when apprehended, with providing material support to a terror organization and detained them to await trial.

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary or Unlawful Deprivation of Life

There were some reports the government or its agents committed arbitrary or unlawful killings. For example, police shot and killed Manga, a 55-year-old motorcyclist, on March 22 after he failed to stop at a police checkpoint. Police launched an internal investigation into the incident.

On February 17, an unidentified airplane dropped a bomb on Abadam village killing 36 individuals. The incident reportedly remained under investigation.

### b. Disappearance

There were no reports of politically motivated disappearances.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were reports security forces beat and abused civilians.

Officials occasionally transported Boko Haram-linked terror suspects overland during the spring from Diffa to Niamey while ill or suffering from untreated broken limbs or gunshot wounds, but this practice ceased by the summer.

## **Prison and Detention Center Conditions**

Conditions in the country's 38 prisons were harsh and life threatening due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care. Guards subjected prisoners to humiliating treatment.

Physical Conditions: Overcrowding was a problem in all facilities. For example, in Kollo Prison, prisoners slept outside in the courtyard due to a lack of space inside the wards. The prisons held 8,525 inmates as of November. There were 3,409 convicts; the remaining 5,116 were awaiting trial. A sharp increase in individuals detained and charged with terror offenses exacerbated overcrowding in the Diffa, Niamey, Koutakale, and Kollo prisons and the Central Service for the Fight Against Terrorism (SCLCT) detainee processing centers in Niamey and Diffa. Authorities detained approximately 1,200 individuals on terrorism allegations between January and October. The Kollo Prison population increased from 300 in April to 919 in September. Prison officials held female inmates in separate quarters that were less crowded and relatively cleaner than men's quarters. They generally held juveniles separately in special rehabilitation centers or in judicially supervised homes, although they held some juvenile prisoners with the adult prison population. Authorities held pretrial detainees with convicted prisoners. Prison staff in the Agadez Region jailed trafficking victims, including children, alongside traffickers.

Prison deaths occurred from malaria and meningitis, but no statistics were available.

Nutrition, sanitation, and health conditions were poor, although prisoners had access to potable water and officials allowed them to receive supplemental food, medicine, and other items from their families. Several prison facilities reported severe malnutrition. Basic health care was available, and authorities referred patients with serious illness to public health-care centers. Ventilation and lighting were inadequate.

Administration: Recordkeeping on prisoners was inadequate. There were no official penal or judicial alternatives to incarceration for nonviolent offenders. Independent human rights groups made recommendations to the government on alternatives to incarceration for nonviolent offenders. Judicial authorities and the governmental National Human Rights Commission (CNDH) investigated and monitored prison and detention center conditions and followed up on credible allegations of inhuman conditions. Prisons had no ombudsmen, but prison management generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Prisoners and detainees had reasonable access to visitors. All penitentiaries had places of worship, and authorities permitted prisoners to practice their religion.

Independent Monitoring: Authorities generally granted the International Committee of the Red Cross, the CNDH, human rights groups, and media representatives access to most prisons and detention centers, including police station jails, and these groups conducted visits during the year. Local human rights groups functioned with a high degree of independence from the government.

Improvements: In April with support from an international donor, the Ministry of Justice held a workshop to train prison wardens on the rights of children incarcerated in prisons.

## **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge for more than 48 hours; however, police occasionally violated these provisions.

On May 19, authorities detained civil society leader Moussa Tchangari on terrorism allegations after he released a report on conditions in Diffa Region and visited eight detained traditional leaders. They

later charged him under nonterror statutes but granted him provisional release.

## **Role of the Police and Security Apparatus**

---

The national police, under the Ministry of Interior, are responsible for urban law enforcement. The gendarmerie, under the Ministry of Defense, has primary responsibility for rural security. The National Guard, also under the Ministry of Interior, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces, under the Ministry of Defense, are responsible for external security and, in some parts of the country, for internal security. The government declared a state of emergency in Diffa Region in February, and armed security forces were responsible for security there. Civilian authorities maintained effective control over security forces, although at times individual soldiers acted independently of the command structure.

Police were largely ineffective due to a lack of basic supplies such as vehicle fuel, radios, and other investigatory and law enforcement equipment. Patrols were sporadic, and the emergency response time in Niamey could be 45 minutes or more. Police training was minimal, and only specialized police units had basic weapon-handling skills. National Guard troops acted as prison guards but had no prison-specific training. Citizens complained security forces did not adequately police border regions, remote rural areas, and major cities. Corruption remained a problem.

The gendarmerie is responsible for investigation of police abuses; nevertheless, police impunity was a widespread problem.

## **Arrest Procedures and Treatment of Detainees**

---

The constitution and law require arrest warrants, and authorities generally respected this requirement. The law allows individuals to be detained for 48 hours without charge, and an additional 48 hours if police need more time to gather evidence, although authorities sometimes held detainees implicated in sensitive cases longer than legally permitted. Under the Terrorism Law, individuals detained on suspicion of committing terrorism-related offenses may be detained for 10 days, extendable once for an additional 10 days. This 10-day time period begins once suspects reach the Niamey SCLCT; suspects apprehended in rural Diffa Region may spend days or weeks in custody before officials transport them to Niamey. Security forces usually informed detainees promptly of the charges against them. There was a functioning bail system for crimes carrying a sentence of less than 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours, and law enforcement officials generally observed this provision. The constitution calls for the government to provide a lawyer for indigents in civil and criminal cases, although implementation was lacking. Widespread ignorance of the law and lack of funds prevented many defendants from fully exercising their rights to bail and an attorney. Authorities did not detain suspects incommunicado except those suspected of terrorism.

Arbitrary Arrest: Police occasionally conducted warrantless sweeps to detain suspected criminals. On January 18, authorities arrested constitutional analyst Amadou Hassane Boubacar after he criticized the government on a television program but released him several days later.

Pretrial Detention: Lengthy pretrial detention was a problem. Although the law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for less serious offenses (with special extensions in certain sensitive cases), some detainees waited as long as five years to be tried. In November approximately 60 percent of prisoners nationwide were awaiting trial. Judicial inefficiency, inadequate resources, staff shortages, corruption, and executive branch interference lengthened pretrial detention periods. By contrast, in high-profile cases detainees benefited from extended provisional release (see section 1.e.).

## **e. Denial of Fair Public Trial**

---

Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. The government reassigned some judges to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. There were allegations the government interfered or attempted to interfere in high-profile court cases involving leadership of opposition parties. Judicial corruption and inefficiency remained problems. There were reports family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial and had complete freedom of movement, could leave the country, and could even run as candidates in elections.

Customary courts and traditional mediation did not provide the same legal protections as the formal court system. Traditional chiefs may act as mediators and counselors. They have authority to arbitrate many customary law matters, including marriage, inheritance, land, and community disputes, but not all civil issues. Chiefs received government stipends but had no police or judicial powers.

Customary courts, based largely on Islamic law, try only civil law cases. A legal practitioner with basic legal training, advised by an assessor with knowledge of the traditions, heads these courts. Formal law does not regulate the judicial actions of chiefs and customary courts, although defendants may appeal a verdict to the formal court system. Women do not have equal legal status with men in customary courts and traditional mediation and do not enjoy the same access to legal redress. Nevertheless, women enjoy equal legal status in the formal court system.

## **Trial Procedures**

---

The law affirms the presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them. Authorities provide free interpretation for defendants who do not speak French, the official language. Trials are public and juries are used. Defendants have the right to counsel, which is at public expense for minors and indigent defendants charged with crimes carrying a sentence of at least 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours of detention. Defendants also have the right to be present at trial, confront witnesses, and present witnesses and evidence on their own behalf. The government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Officials provide defendants adequate time and facilities to prepare a defense, and they are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court. Widespread ignorance of the law prevented many accused from taking full advantage of these rights. The constitution and law extend these rights to all; however, due to the limited number of jurisdictions, staff shortages, and lack of resources, judicial delays left a large number of detainees awaiting trial for long periods.

## **Political Prisoners and Detainees**

---

Authorities detained more than 90 opposition politicians after the January 16 protests against the attacks on the French magazine *Charlie Hebdo*. Officials questioned and later released them all.

## **Civil Judicial Procedures and Remedies**

---

Individuals or organizations may seek civil remedies for human rights violations. They may also appeal decisions to the Court of Justice of the Economic Community of West African States.

## **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law generally prohibit such actions, and the government generally respected these prohibitions. Police may conduct searches without warrants when they have a strong suspicion a house shelters criminals or stolen property. Under state of emergency provisions in Diffa Region, authorities may search houses at any time, for any reason.

## **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

The regional fight against terrorist group Boko Haram spilled into the country during the year.

Killings: There were numerous reported killings in the fight against Boko Haram. For example, in one of many such incidents, on June 17, Boko Haram militants killed 38 civilians in Lamana and Ngoumao villages (Diffa Region).

Abductions: Boko Haram reportedly abducted civilians, but the number abducted was unknown. During the Karamga Island attack on April 25, 32 soldiers went missing and might have been abducted.

Physical Abuse, Punishment, and Torture: Human rights organizations reported mistreatment of civilians during the government's forced displacement of civilians from Lake Chad islands in April and May. The government mistreated injured and sick prisoners during transport from Diffa Region to Niamey for processing, although authorities improved transport conditions and procedures following complaints from human rights organizations. Boko Haram militants often targeted noncombatants, including women and children, and used improvised explosive devices without measures to prevent civilian casualties.

Child Soldiers: Boko Haram recruited and used children in both combatant and noncombatant roles. There were reports of forced marriages to Boko Haram militants (see section 6, Children).

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Other Conflict-related Abuses: Authorities restricted the passage of relief supplies to portions of Diffa Region, including Bosso and areas of the Lake Chad shore, after April. Many humanitarian organizations were unable to access thousands of displaced persons from the Lake Chad islands. Civilians were forcibly displaced from Lake Chad islands; displaced individuals were offered placement in host families on shore or in Kablewa refugee camp, but many remained in ad hoc camps on the Lake Chad shore months after their displacement. Officials offered foreign nationals evacuated from Lake Chad islands placement in host families, placement in a refugee camp, or return to their countries of origin. Authorities forcibly returned several Nigerian evacuees to Nigeria. Boko Haram militants burned homes and villages, forcing the displacement of additional noncombatants (see section 2.d.).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, but on occasion, the government threatened and arrested journalists and members of the media.

Freedom of Speech and Expression: In May authorities arrested and detained civil society representatives Moussa Tchangari and Ali Idrissa after they spoke critically about the government's actions in Diffa Region.

Press and Media Freedoms: Independent media noted government attempts to restrict reporting on

the January *Charlie Hebdo* protests. Security forces interrupted the broadcast of Tenere TV and Radio and threatened its journalists.

**Violence and Harassment:** Authorities subjected journalists to arrest, physical attack, harassment, and intimidation due to their reporting. Police summoned eight editors of private newspapers for questioning in March after those newspapers covered a March 4 press conference held by an opposition political bloc. A High Council of Communication committee investigated violence against journalists during the January 16-18 protests. The committee found defense and security forces abused journalists and harassed private journalists, including Bonferey TV journalists Abdrahamane Hassane and Mahamane Bachir Sabo. The committee also found security force members deliberately tear-gassed journalists gathered at an opposition political party's headquarters. In response the High Council of Communication called a meeting with senior security officials to discuss the report's findings.

**Censorship or Content Restrictions:** The government reportedly attempted to deflect private media criticism either by intimidating such media to remain silent or by attracting their support with advertising contracts. The law provides equal access to public media for all political parties. Public media, however, generally did not cover the statements and activities of opposition parties and civil society organizations critical of the government.

**Libel/Slander Laws:** President Issoufou's son, Mahaman Sani Abba, filed suit in February against *L'Enqueteur* newspaper editor Idrissa Soumana for defamation after the newspaper reported on Abba's purchase of a Ferrari.

**National Security:** The state of emergency in Diffa Region grants the government the authority to censor media for security reasons.

## Internet Freedom

---

The government blocked internet access countrywide on January 22 following protests in several major cities. Sonitel, the government-owned telecommunications company, indefinitely blocked access to certain websites, such as those of terrorist organization Boko Haram, under orders from the High Commission for New Technology and Communication.

According to the International Telecommunication Union, approximately 2 percent of the population used the internet in 2014.

## Academic Freedom and Cultural Events

---

There were no government restrictions on academic freedom or cultural events.

## b. Freedom of Peaceful Assembly and Association

---

### Freedom of Assembly

---

Although the constitution and law provide for freedom of assembly, police forcibly dispersed demonstrators. The government retained authority to prohibit gatherings under tense social conditions or if organizers did not provide 48-hour advance notice.

The government banned planned opposition political rallies in January and August.

### Freedom of Association

---

The constitution and law provide for freedom of association, and the government generally respected this freedom. The law does not permit political parties based on ethnicity, religion, or region.

The Ministry of Interior refused to grant official recognition to the opposition coalition the Patriotic and Republican Front (FPR) as a political entity on the grounds the FPR contained both political parties and civil society organizations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Officials involuntarily returned several dozen Nigerians to Nigeria after evacuating the Lake Chad islands in May. Several thousand Nigerien migrants were repatriated from Algeria; an uncertain number of these were forcibly repatriated.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, asylum seekers, or other persons of concern. UNHCR managed five sites hosting approximately 54,000 Malian refugees, as well as more than 150,000 refugees and returnees in Diffa Region, where the refugees were integrated into local communities or hosted in one of the two camps.

In-country Movement: Security forces at checkpoints throughout the country monitored the movement of persons and goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices. The government imposed a travel ban on Hadiza Hama Amadou, wife of former prime minister and president of the National Assembly Hama Amadou, due to her continuing trial on charges of smuggling children. While the travel ban is ostensibly on international travel, authorities temporarily detained Amadou when she attempted to travel from Niamey to Tahoua in January.

Exile: Former prime minister and former president of the National Assembly Hama Amadou returned from self-imposed exile in November, but police arrested him upon his arrival in Niamey. Courts twice rejected his request for provisional release on the ground he fled the country to avoid arrest on charges of involvement in smuggling children. At year's end he remained in Filingue Prison and was a candidate for the February 21 presidential elections.

### **Internally Displaced Persons**

More than 60,000 individuals fled Boko Haram-instigated violence in parts of Diffa Region in 2014 and during the year. These IDPs resided mainly in host communities in Diffa Region, although more than 3,000 resided in UNHCR-managed camps. Heavy seasonal rains left several thousand individuals homeless in June-August. The government worked with foreign donors, international aid organizations, and nongovernmental organizations (NGOs) to supply these IDPs with shelter, food, water, and other necessities. The government engaged in efforts to promote the safe voluntary return or resettlement of IDPs.

IDPs in Diffa Region were vulnerable to armed attacks and unlawful recruitment of child soldiers by Boko Haram.

International humanitarian organizations reported intercommunal conflict between farmers and herders, and between rural communities and bandits, especially in northern Tillabery Region, resulted in displacement. The pressures of desertification and population growth on subsistence farming and livestock herding, the main activities in the region, spurred competition and periodic conflict among farmers and herders for limited natural resources. Incursions by armed rebels from Mali and sporadic acts of banditry on main roads also caused residents to flee.

## **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

An estimated 54,000 registered Malian refugees remained in Niger with prima facie refugee status. Refugees lived primarily in three camps (Tabareybarey, Mangaize, and Abala) and two official “refugee zones” (Tazalite and Intekan) where Malian refugees could settle freely with their livestock and thus maintain their traditional pastoral way of life. The government and humanitarian organizations provided assistance to refugees. In addition approximately 10,000 refugees lived in spontaneous settlements along the border with Mali and had limited access to humanitarian assistance.

Conflict between Boko Haram and the Nigerian military in northeastern Nigeria triggered a flow of thousands of persons into Niger, including an estimated 150,000 Nigerian refugees and returning Nigerien migrants. Local communities hosted the refugees. The government and UNHCR established two refugee camps. UNHCR led assistance efforts to refugees and other populations of concern in Diffa Region.

Temporary Protection: The government provided temporary protection to an unknown number of individuals who may not qualify as refugees under the 1951 Refugee Convention or the 1967 protocol.

Authorities forcibly evacuated several dozen Nigerians from Niger’s Lake Chad islands and returned them to Nigeria without their consent in May. Some of those returned had been living on the islands for an extended period (in some cases for multiple generations) as migrant workers.

## **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens generally exercised that ability.

### **Elections and Political Participation**

Recent Elections: In 2011 citizens elected Issoufou Mahamadou to a five-year presidential term with 58 percent of the vote. International observers described the election as generally free and fair. A coalition, composed primarily of parties that had been in opposition under the Tandja regime, including the Nigerien Party for Democracy and Socialism (PNDS), Movement for Democracy in Niger, Social Democratic Rally, Rally for Democracy and Progress, Nigerien Alliance for Democracy and Progress, and Union for Democracy and the Republic, backed Issoufou and won 83 of 113 National Assembly seats in the 2011 legislative elections. The pro-Tandja National Movement for a Development Society won 26 seats, and the Social Democratic Convention and the Union of Independent Nigeriens obtained three seats and one seat, respectively. Issoufou appointed PNDS party member Brigi Rafini as prime minister.

Political Parties and Political Participation: The government intermittently banned opposition political parties’ activities and limited their access to state media. Opposition parties and civil society groups criticized voter registration efforts, noting some citizens were not able to register and citing concerns



about inflated registration figures in some regions.

**Participation of Women and Minorities:** The law mandates that women fill at least 30 percent of senior government positions and at least 15 percent of elected seats. There were eight female ministers in the 36-member cabinet (22 percent). Women held 16 of 113 National Assembly seats (14 percent). All major ethnic groups had representation at all levels of government. There were eight seats in the National Assembly designated for representatives of “special constituencies,” specifically ethnic minorities and nomadic populations.

## **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank’s most recent Worldwide Governance Indicators reflected corruption was a severe problem. The government publicly acknowledged corruption was a problem, and there were several reports of government corruption during the year.

**Corruption:** Civil servants often demanded bribes to provide public services. A poorly financed and trained law enforcement establishment and weak administrative controls compounded corruption. Other contributing factors included poverty, low salaries, politicization of the public service, traditional kinship and ethnic allegiances, a culture of impunity, and the lack of civic education. A French appeals court found in March that a 35 million euro (\$38.5 million) contribution by French nuclear company Areva towards the purchase of a new presidential airplane for Niger constituted moral corruption.

Several incidents in August and September in which large amounts of foreign currency and gold were discovered at Niamey’s international airport raised concerns in the media of money laundering or corruption. In all incidents senior officials reportedly instructed customs officials to return the money and gold to the travelers without levying customs taxes.

The High Authority to Combat Corruption and Related Crimes (HALCIA) forwarded several corruption cases to the Ministry of Justice. HALCIA investigated and uncovered several corruption and fraud cases involving civil servants, judges, and security force members, notably customs officers. HALCIA referred most of the cases to state prosecutors for action. Individuals were charged with crimes and occasionally jailed for short periods, although they often were granted provisional release, and no sentences were handed out for corruption.

**Financial Disclosure:** The constitution requires the president of the republic, presidents of other government institutions, and cabinet members to submit written statements of their personal property and other assets to the Constitutional Court upon assuming office, and they complied. These statements are to be updated annually and at the end of an individual’s tenure. The National Register and the press publish the initial statements and updates. Copies of the statements are forwarded to the government’s fiscal services. Filers must explain any discrepancies between the initial and the updated statements. The Constitutional Court has authority to assess discrepancies, but there was no indication it questioned a declaration’s veracity and/or imposed sanctions. The law does not allow designated officials to purchase or rent, by themselves or through other parties, any government-owned property or to bid for government contracts. HALCIA and the State Inspectorate have investigative roles, with the State Inspectorate being more administrative.

**Public Access to Information:** The law provides for access to public information and administrative documents, and this occurred. Requestors can also obtain many documents from individual ministries and the National Archives. The law provides a list of “communicable” and “noncommunicable” documents and establishes procedures for accessing them and paying related costs. If officials deny access to a document, they are required to notify the requestor in writing and provide the legal grounds for denial. The law provides an appeal mechanism for review through the national mediator, and legal complaints are referred to the Administrative Court. It also provides for sanctions against agencies, individual civil servants, and users for noncompliance.

## Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. At times the government restricted access to certain areas of Diffa Region, citing security concerns.

**Government Human Rights Bodies:** The CNDH is responsible for investigating and monitoring a wide variety of human rights issues, including prison and detention center conditions, but it lacked resources to implement an action plan. During the year the CNDH submitted 16 years of belated reports relating to human rights and antidiscrimination efforts to the UN Committee on the Elimination of Racial Discrimination. The combined reports documented significant improvement in many areas since 1997 but acknowledged continued problems, including access to drinking water as well as early and forced marriages. The Office of the Mediator of the Republic served as an official government ombudsman, including on some human rights issues. The CNDH and the mediator operated without government interference, although they often lacked the resources necessary to carry out their work effectively.

The government gave mandates to and partially staffed the National Commission for the Coordination of the Fight Against Trafficking in Persons and the National Agency for the Fight Against Trafficking in Persons, but it did not fully fund them.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, religion, political opinion, national origin or citizenship, social origin, disability, age, language, HIV-positive status or other communicable disease, or social status. The government generally did not enforce these provisions, however, because victims in large part did not report discrimination or were pressured into handling complaints through traditional dispute mechanisms. There are no laws against discrimination based on sexual orientation and gender identity.

### Women

**Rape and Domestic Violence:** Rape was a widespread problem. It is punishable by 10 to 30 years in prison, depending on the circumstances and age of the victim. Most rape cases went unreported due to victims' fear or shame. According to the prime minister, surveys in 2010 on gender-based violence showed that at some point in their lives 43.2 percent of women nationwide had experienced physical violence, and 28.3 percent experienced sexual violence.

The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Victims often sought to deal with the rape within the family or were pressured to do so, and many victims did not report spousal rape due to fear of retribution or loss of economic support.

Domestic violence against women was reportedly widespread, although reliable statistics were not available regarding numbers of incidents, prosecutions, or convictions. Husbands commonly beat their wives.

While the law does not explicitly prohibit domestic violence, a woman may sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a fine of 10,000 CFA francs (\$17) to 30 years' imprisonment. The government tried with limited success to enforce these laws, and courts prosecuted cases of domestic violence when they received complaints. Charges stemming from family disputes often were dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of redress offered by the legal system and fear of spousal or familial repudiation, further violence, or stigmatization. Through several events such as International

Women's Day (March 8), National Women's Day (May 13), and International Day of the Girl (October 11) that received wide media coverage, the Ministry of Population, Women's Promotion, and Children's Protection, international organizations, NGOs, and women's organizations conducted public awareness campaigns on violence against women and the legal recourse available to them.

On National Women's Day, the government renewed its commitment to combating violence against women by empowering them. The minister of population, women's promotion, and children's protection listed the actions initiated by her ministry, including the development of a national women's leadership program, a national strategy to fight gender-based violence, and capacity-building efforts. The ministry's strategic plan for 2012-15 includes infrastructure building, provision of tools and equipment for women, and the insertion of gender in the local development plans of 39 communes and in the training curricula of various vocational schools.

Female Genital Mutilation/Cutting: The law prohibits FGM/C, which is punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner may be sentenced to 10 to 20 years in prison. There were no reports of FGM/C perpetrated on women age 18 and over. FGM/C was practiced on young girls, with clitoridectomy the most common form. Dangouria, a form of FGM/C found only in Niger, was also common. It consists of cutting away the hymen of newborn girls by traditional barbers known as wanzam. Certain ethnic groups practiced FGM/C, predominantly the Peuhl and Djerma in the west. According to the UN Children's Fund (UNICEF), the FGM/C rate nationwide decreased from 5 percent in 1998 to 2.2 percent in 2006. Among girls and young women ages 15-19, the rate decreased to 1.9 percent in 2006. Unlike in previous years, there were no reports of excisors traveling to perform FGM/C on Nigerien Gourmantche girls.

Other Harmful Traditional Practices: There continued to be serious stigma associated with being the descendant of a slave.

The practice continued of taking a "fifth wife," or "wahaya," in which girls and women are sold into physical or sexual slavery. Polygamy is legal and widespread.

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences of three to six months and fines of 10,000 to 100,000 CFA francs (\$17 to \$173). If the violator is in a position of authority over the victim, the prison sentence is three months to one year and the fine is increased to 20,000 to 200,000 CFA francs (\$35 to \$347). Sexual harassment was common. Courts enforced applicable laws in the small percentage of cases reported.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to manage their reproductive health; however, information regarding reproductive rights was not readily available. There were no restrictions on the right of access to contraception, skilled health attendance during pregnancy and childbirth, and emergency health care. Under the guidance of the Ministry of Public Health, clinics and local NGOs could disseminate information on family planning freely.

The government provides free health care for children up to five years of age, leading to increased access to health centers for women's general and essential obstetric and postpartum care, and prevention of mother-to-child transmission of HIV. Due to a shortage of skilled health professionals and limited resources, many women used traditional midwives during childbirth and were referred to hospitals only when the mother or child suffered health complications. According to the 2012 Demographic and Health Survey (DHS), 30 percent of births took place in health centers, and skilled personnel attended 29 percent of births. The maternal mortality ratio (the number of maternal deaths per 100,000 live births) was 630 in 2013, and the lifetime risk of maternal death was one in 20. Major factors influencing maternal mortality included lack of prenatal care, high rates of adolescent pregnancy, diseases during pregnancy, infections after birth, malnutrition, and lack of access to emergency obstetric care. According to the country's 2012 DHS, only 6 percent of girls and women ages 15-19 and 12 percent of those ages 15-49 used a modern method of contraception nationwide.

Discrimination: Although the constitution provides for equal legal status and rights regardless of gender, women do not have the same rights as men under family law, which customary courts usually adjudicate. In customary law legal rights as head of household typically apply only to men. Customary

law does not consider a divorced or widowed woman, even with children, to be a head of household. Traditional and religious beliefs resulted in discrimination in education, employment (see section 7.d.), owning or managing a business, credit, and property rights. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, water- and wood-gathering, and other work. In the absence of a formal will stating otherwise, a woman's share is half the size of a man's share of a deceased parent's property. In the east there were reports some husbands cloistered their wives and prevented them from leaving their homes unless escorted by a male relative, usually even then only after dark.

The Ministry of Population, Women's Promotion, and Children's Protection and the Ministry of Labor and Social Security implement the government policies against discrimination (see section 7.d.).

The government had programs to provide women microcredit, access to clean water, and access to health services.

## Children

Birth Registration: Children derive citizenship from their parents, as long as one parent is a citizen. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of awareness, and distance from government services. With support from UNICEF, the government worked to address this problem, and several NGOs encouraged birth registration. The government's failure to register births did not result in denial of public services, although it complicated the process of qualifying as a candidate for public office. According to the 2012 DHS, 64 percent of children less than five years old had their births registered and 29 percent had a birth certificate, with significantly higher numbers in urban areas.

Education: Six years of elementary education are compulsory, tuition free, and universal from the age of six. Students often had to buy their own books and supplies. In September the government provided each secondary school and primary school student with a kit comprising notebooks and other supplies. According to the National Institute of Statistics, in 2012 the primary school completion rate for children in school was 71 percent for girls and 88 percent for boys. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years.

Child Abuse: Violence against and abuse of children was common. The law prescribes penalties for child abuse. For example, parents of minors who usually engage in begging, or any person who encourages children to beg or profits from their begging, may be sentenced to six months to one year of imprisonment. The abduction of a minor under 18 years of age is punishable by two to 10 years' imprisonment. The penalty for abduction for ransom is life imprisonment.

Each of the 10 district courts and 36 magistrate courts had at least one judge who addressed children's issues, including child labor. All judicial police sections at the regional and district levels may handle cases involving juveniles and refer them to judges. The government also collaborated with UNICEF and the International Labor Organization (ILO) on programs designed to improve enforcement of the law and to sensitize civil servants, parents, traditional chiefs, and other key actors to children's rights.

Early and Forced Marriage: The law allows a girl deemed to be "sufficiently mature" to marry at 15. Some families entered into marriage agreements under which rural girls 12 or even younger were sent to their husband's families to be under the "supervision" of their mothers-in-law. According to UN Fund for Population Activities (UNFPA), 28 percent of women ages 20-24 married before age 15 and 76 percent married before age 18. According to the 2012 DHS, 36 percent of women 20-24 years old were first married or in union before they were 15 years old. Prevalence of child marriage was highest in the south, in the Diffa, Zinder, Maradi, and Tahoua regions. The Ministry of Population, Women's Promotion, and Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders in rural communities to the problem of early marriage. The UNFPA was working at the community level with the Association of Traditional Chiefs to raise awareness of the problem, including the risk of maternal death and disability. According to the 2012 DHS, 44.8 percent

of women 20-49 years old had given birth before they were 18 years old, and 8.7 percent of girls had given birth before they were 15 years old.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in women's section above.

Sexual Exploitation of Children: Although the law criminalizes the procurement of a minor for the purpose of prostitution, child prostitution was a problem. The minimum age of consensual sex is 13 for both boys and girls.

The law provides that "exploitation shall include, at minimum, slavery or practices similar to slavery," and adds the recruitment, transport, transfer, harboring, or receiving of a minor under the age of 18 for the purposes of exploitation shall be considered trafficking in persons. Violation is punishable by five to 10 years in prison and a fine of 500,000 to five million CFA francs (\$867-\$8,670). If the offense is committed against a minor under the age of 18, the penalty shall be 10 to 30 years' imprisonment. The penalty shall be life imprisonment in the event of the death of the victim.

The penal code provides for two to five years' imprisonment and a fine of 50,000 to 500,000 CFA francs (\$87-\$867) for the prostitution of children. The law prohibits "indecent" acts toward minors under age 18. It leaves to judges to determine what constitutes an indecent act. Such activity and a related statute against "the incitement of minors to wrongdoing" are punishable by three to five years in prison. This provision also applies to child pornography. There were reports that girls in particular were trafficked for forced prostitution along the main East-West highway, particularly between the cities of Birni n'Konni and Zinder along the border with Nigeria. Families of victims were often complicit in child prostitution.

Infanticide or Infanticide of Children with Disabilities: Infanticide occurred, and authorities incarcerated a sizeable proportion of the female prison population for this crime, which was often committed to hide pregnancies that occurred out of wedlock.

Displaced Children: Many displaced boys from rural areas were indentured to Islamic schools and begged on the streets of larger cities. Displaced children had access to government services. Unaccompanied migrant children transited Niger en route to Libya, Algeria, and Europe. Some unaccompanied migrant children travelled to the Djado gold fields to find work in unregulated gold mines.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

---

There was no significant Jewish community, and there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

---

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

---

The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other government services (see section 7.b.). The government generally enforced these provisions. The law does not specifically mention air travel and other transportation, but authorities generally enforced similar antidiscriminatory provisions. The labor code calls for promoting employment opportunities for persons with disabilities. The law mandates that the government accommodate such individuals, but there were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons

with disabilities. Persons with disabilities suffered from social stigma, low levels of education, and fewer job opportunities than the average citizen. The government requires companies to hire a minimum of 5 percent of individuals with disabilities or pay a penalty, which goes to fund persons with disabilities; nevertheless, implementation was lacking. The law mandates new buildings be accessible to persons with disabilities, but often architects and construction firms ignored this requirement; the law was not enforced.

Societal discrimination also existed against persons with disabilities, particularly mental disabilities and physical disabilities caused by leprosy. The government provided free health care to disabled persons. Children with disabilities attended school but faced several difficulties, including a lack of adapted instruction and materials as well as the evaluation system. There were three schools for the hearing-impaired, one school for the blind, and five inclusive classes for the blind in mainstream public schools. The Ministry of Population, Women's Promotion, and Children's Protection is responsible for protecting the rights of persons with disabilities, including those with sensory or intellectual disabilities.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

---

There was strong societal stigma against same-sex sexual activity but no laws criminalizing consensual same-sex sexual activity in general. The law states an "unnatural act" with a person of the same sex who is under 21 is punishable by six months to three years in prison and a fine of 10,000 to 100,000 CFA francs (\$17-\$173).

Gay men and lesbians experienced societal discrimination and social resentment. Reportedly, two gay rights associations conducted their activities secretly, in part because they were not officially registered. The social pressure to conform is great, and many lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals marry and have families, often while pursuing LGBTI relationships in secret. There were no reports of violence against individuals based on their sexual orientation or gender identity. International organizations and NGOs continued their awareness-raising efforts in this regard, focusing on social stigma in general.

There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Stigma or intimidation was a likely cause in preventing incidents of abuse from being reported.

## **HIV and AIDS Social Stigma**

---

Persons with HIV/AIDS experienced societal discrimination, although there were strong government efforts to discourage such discrimination. In conjunction with several other organizations working on HIV/AIDS issues, the government continued its antidiscrimination campaign. The labor code provides for protection against discrimination for persons suffering from diseases such as HIV/AIDS and sickle cell anemia.

## **Other Societal Violence or Discrimination**

---

Mob violence in January targeted Christian churches and other buildings, bars, brothels, and ruling party buildings. Large groups of persons in Niamey, Zinder, Maradi, and Agadez set fire to buildings and clashed with security forces. Ten individuals reportedly died in Niamey and Zinder, many of smoke inhalation or fire. An additional 177 persons were injured. Police detained 291 persons in the aftermath. The violence was sparked by anger over President Issoufou's appearance at a march in Paris after the *Charlie Hebdo* magazine shooting.

Disputes over land rights and grazing areas continued and resulted in several deaths.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law provides for freedom of association, but the government had not adopted implementing regulations to enforce the law. The constitution and law provide for the right to strike, except for police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain “essential services,” the scope of which was broader than that originally envisioned by the ILO convention. The law defines strategic and/or essential services that require minimum service during a strike, including telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services. Legal restrictions usually relate to requiring civil servants to report to work during a legally notified strike. There were no prohibitions on strikes in nonessential services.

Workers must give employers at least three days’ advance notice of intent to strike. The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for damages (instead of reinstatement) for workers dismissed for union activity. There are no provisions applicable to public service employees, however, which explicitly prohibit acts of antiunion discrimination or interference, or which prescribe sufficient penalties to deter violation in the public sectors. While there were no provisions that limit collective bargaining in nonessential services, certain provisions restrict certain categories of public servants not engaged in the administration of the government from exercising their right to collective bargaining. The law does not provide for the determination of the representativeness of public service trade unions in accordance with the principles of freedom of association. Such law provides that, pending the appointment of the most representative professional organizations of established and contractual public servants, the minister of public service shall appoint the staff representatives within the public service advisory council, the boards for the promotion and establishment of officials, and the disciplinary council in accordance with the relevant provisions relating to branch, category, and/or grade.

The government effectively enforced applicable laws in the public sector. Enforcement in the informal sector, however, was limited because this sector was largely nonunionized.

Authorities respected freedom of association and the right to collective bargaining, and workers exercised these rights. Worker organizations were generally independent of the government and political parties. The nonunionized subsistence agricultural and small trading sectors employed approximately 80 percent of the workforce. Unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions. There were no reports of antiunion discrimination or retaliation for union activities during the year.

Workers at the Soraz oil refinery in Zinder held strikes January 27-30, February 4-6, and March 11-12 over refinery management’s nonadherence to an agreement between the union and the company negotiated in September 2014.

A series of strikes by several unions at the Ministry of Finance in July and August affected revenue collection. A number of unions held a series of strikes over disagreements on a bonus distribution system. An August 12 court order ended the strikes. There was no report of force or threats being used to end the strikes.

### b. Prohibition of Forced or Compulsory Labor

While the law prohibits forced labor, it does not prohibit all forms of forced or compulsory labor. The term “forced or compulsory labor” is interpreted to mean “any labor or service required of a person

under the threat of punishment and for which the individual has not given full consent.” The law does not specifically prohibit forced or compulsory labor by children. The government did not effectively enforce these laws.

The labor code addresses issues, including the worst forms of child labor, discrimination, and forced labor, and it imposes stringent penalties for violations. Laws addressing the worst forms of child labor do not explicitly prohibit forced or compulsory labor by children, particularly in agriculture. Detailed information on the number of victims removed from forced labor was not available.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. Enforcement of the laws was sporadic, however. The Ministry of Labor and Civil Service’s Forced Labor Commission is responsible for coordination with the antitrafficking commission and the implementing agency.

Forced labor remained a problem. A study conducted by the government and the ILO concluded that in 2011 the prevalence of forced labor was 1.1 percent among the adult population (more than 59,000 persons), 48.8 per cent of whom were engaged in domestic work, and 23.6 per cent in agriculture or stockbreeding. A study in 2009 indicated that 2.8 percent of working children (an estimated 55,000) were engaged in forced child labor. These percentages were higher in the regions of Tillabery, Tahoua, and Maradi. The Tuareg, Djerma, Peul, Toubou, and Arab ethnic minorities throughout the country, particularly in remote northern and western regions and along the border with Nigeria, practiced a traditional form of caste-based servitude or bonded labor.

Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. Estimates of the number of slaves in the country were unreliable. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Children became the property of their masters and could be passed from one owner to another as gifts or part of a dowry. Girls were forced to start work as domestic servants at a very young age and could be sexually abused by men in the household or forced to marry at a young age. Children’s work included tending animals, gathering firewood, fetching water from wells or ponds, and performing other domestic tasks.

There were reports some local religious teachers and loosely organized clandestine networks forced young boys to work as beggars and manual laborers and young girls to work as involuntary domestic servants, sometimes with the complicity of their families. The UN special rapporteur on slavery received reports some religious teachers “rented” young students to work in gold mines. Children were also forced to work in granite quarries and artisanal gold, salt, trona (a source of sodium carbonate compounds), and gypsum mines (see section 7.c.).

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the use of child labor and the employment of children under the age of 14, except as authorized by decree. It prohibits children under the age of 12 from working. Twelve- and 13-year-olds may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector’s authorization, as long as such work does not impede their schooling. Light work is defined as including some forms of domestic work, fruit picking and sorting, and other nonindustrial labor. Children 14 to 17 years of age may work a maximum of 4.5 hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morals. The minimum age for hazardous work does not meet the international standard of 18, however. In addition the law does not prohibit hazardous occupations and activities in all relevant child labor sectors, including agriculture. The law requires employers to provide minimum sanitary working conditions for children. The law does not apply to types of employment or work performed by children outside an enterprise, such as



self-employment.

The government did not effectively enforce child labor laws, in part due to resource constraints that limited inspectors of the Ministry of Labor and Civil Service. The laws rarely were applied to work performed by children in the nonindustrial/informal sector. The government worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The Ministry of Education conducted training sessions to help educators meet the special needs of child laborers.

The use of child labor was prevalent. Approximately 50 percent of children between five and 17 years of age were engaged in labor (an estimated 1.9 million children). Almost 62 percent were engaged in hazardous types of work. Implementation and enforcement of policies were not as strong as needed and there was particular concern over the use of child labor in the mining and agricultural sectors.

Children worked in the agricultural, commercial, handicraft, mining, and domestic service sectors. The majority of rural children regularly worked with their families from an early age helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some families kept boys out of school to work as beggars alongside blind relatives and sent others to Islamic schools where their teachers made them beg and do manual labor. Child labor also occurred in largely unregulated artisanal gold mining operations, as well as in trona, salt, and gypsum mines. The artisanal gold mines at Komabangou, Tillabery Region, continued to operate using many children, particularly adolescent boys and some girls, under hazardous health and safety conditions. The use of cyanide further complicated the health hazards. Komabangou miners, other residents, and human rights groups expressed deep concerns about poisoning and groundwater contamination, but the practice remained widespread. Young boys from neighboring countries were trafficked into the country to work in mines, in quarries, on farms, as mechanics, or as welders. Children were also procured for prostitution.

Also see the Department of Labor's *Findings on the Worst forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

## **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits discrimination in employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, sickle cells disease, or other communicable disease. The code prescribes increased penalties for persons engaging in discrimination and explicitly prohibits certain forms of sexual harassment. The code requires equal pay for equal work and provides benefits for persons with disabilities and the adaptation of jobs and conditions of employment. The government, in general, did not effectively enforce the law. The government neither adopted any regulations to implement the labor code nor took any actions to prevent employment discrimination.

Discrimination in employment and occupation occurred with respect to gender (see section 6). The government's resources to investigate this were inadequate, and penalties were insufficient to deter violations.

Migrant workers enjoy the same legal protections, wages, and working conditions as citizens.

## **e. Acceptable Conditions of Work**

The constitution provides for equal access to employment for all citizens. In 2012 the minister of population, women's promotion, and child protection launched a public awareness campaign on ILO conventions 100 (equal pay for men and women performing the same job), 111 (gender equality), and 183 (maternity protection as working women's right). The campaign addressed all citizens.

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed

(contractual) terms of employment. Minimum wages are set for each class and category within the formal sector. The lowest minimum wage was 30,047 CFA francs (\$52) per month, with an additional 1,000 CFA francs (\$1.70) added per child per month. The government used 1,000 CFA francs (\$1.70) per day as the poverty income level. In 2011 the government reported 48.2 percent of citizens lived below that level.

The formal sector's legal workweek is 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor and Civil Service authorized longer workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. The labor code provides special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service may grant waivers regarding work hours based on these two sectors' specific nature and make allowances for working larger blocks of time in exchange for time off. Workers may work for two weeks beyond normal work hours, in compensation for which they are entitled to two weeks' rest. Employers must provide premium pay for overtime, although the law does not set a specific rate. Employees of each enterprise or government agency negotiate with their employer to set the rate. The labor code establishes occupational safety and health standards. It extends labor inspectors' authority and provides for more-stringent sanctions, including a mandatory appearance before labor inspectors for resolving labor disputes.

The Ministry of Labor and Civil Service effectively enforced minimum wages and workweek laws only in the regulated formal sector. The ministry is responsible for enforcing these standards, although staff shortages caused inspectors to focus on safety violations only in the most dangerous industries: mining except for gold mining, construction, and manufacturing. The ministry had approximately 100 inspectors deployed nationwide who were responsible for enforcing the labor code. The ministry had limited resources in relation to its needs for transportation, fuel, and other basic resources to carry out inspections effectively. As a result, despite the code strengthening labor inspectors' authority and imposing more-stringent penalties, the number of investigations and prosecutions was still not adequate compared to the extent of the country's labor problems. Ministry officials observed that sanctions were not stringent enough to deter violations.

Violations of provisions governing wages, overtime, and work conditions reportedly occurred in the petroleum and mining sectors, including at gold mines, oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers including children, domestic workers, and persons in traditional slavery. In the traditional gold mining sector, the use of cyanide posed serious health hazards for workers and surrounding communities. Investors could rent a tract of land and the right to mine it for 20,000 CFA francs (\$35). Typically, they then hired foremen who assembled a team of miners. When ore was collected, the foremen and miners received a share of the ore--in most cases the only direct payment for their labor. An estimated 80 percent of the mining workforce worked in the informal sector. The Ministry of Labor and Civil Service could not confirm the estimate but indicated the National Statistics Institute was conducting a study on the prevalence of informal workers in the mining sector.

Although generally satisfied with the safety equipment provided by employers, in particular equipment to provide protection from radiation in the uranium mines, union workers in many cases did not receive information about the risks posed by their jobs. According to the Ministry of Labor and Civil Service, in 2013 there were 229 work-related accidents (on the job and on the way to work), including nine fatalities. All cases were compensated as required by law. Most accidents related to the mining sector. There was one case reported of work-related illness. In the nonunionized informal sector and despite the law, it was unlikely workers could exercise the right to sick leave without jeopardizing their employment.

By law workers may remove themselves from situations that endangered health or safety without jeopardy to their employment, and there are no exceptions from such protections for migrant or foreign workers. Nevertheless, authorities did not effectively protect employees in such situations.